



Rep. Daniel J. Burke

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09400HB4132ham002

LRB094 14522 RLC 55760 a

1 AMENDMENT TO HOUSE BILL 4132

2 AMENDMENT NO. _____. Amend House Bill 4132, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by
6 changing Section 12-2 as follows:

7 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

8 Sec. 12-2. Aggravated assault.

9 (a) A person commits an aggravated assault, when, in
10 committing an assault, he:

11 (1) Uses a deadly weapon or any device manufactured and
12 designed to be substantially similar in appearance to a
13 firearm or other deadly weapon, other than by discharging a
14 firearm in the direction of another person, a peace
15 officer, a person summoned or directed by a peace officer,
16 a correctional officer or a fireman or in the direction of
17 a vehicle occupied by another person, a peace officer, a
18 person summoned or directed by a peace officer, a
19 correctional officer or a fireman while the officer or
20 fireman is engaged in the execution of any of his official
21 duties, or to prevent the officer or fireman from
22 performing his official duties, or in retaliation for the
23 officer or fireman performing his official duties;

24 (2) Is hooded, robed or masked in such manner as to

1 conceal his identity or any device manufactured and
2 designed to be substantially similar in appearance to a
3 firearm;

4 (3) Knows the individual assaulted to be a teacher or
5 other person employed in any school and such teacher or
6 other employee is upon the grounds of a school or grounds
7 adjacent thereto, or is in any part of a building used for
8 school purposes;

9 (4) Knows the individual assaulted to be a supervisor,
10 director, instructor or other person employed in any park
11 district and such supervisor, director, instructor or
12 other employee is upon the grounds of the park or grounds
13 adjacent thereto, or is in any part of a building used for
14 park purposes;

15 (5) Knows the individual assaulted to be a caseworker,
16 investigator, or other person employed by the Department of
17 Healthcare and Family Services (formerly State Department
18 of Public Aid), a County Department of Public Aid, or the
19 Department of Human Services (acting as successor to the
20 Illinois Department of Public Aid under the Department of
21 Human Services Act) and such caseworker, investigator, or
22 other person is upon the grounds of a public aid office or
23 grounds adjacent thereto, or is in any part of a building
24 used for public aid purposes, or upon the grounds of a home
25 of a public aid applicant, recipient or any other person
26 being interviewed or investigated in the employees'
27 discharge of his duties, or on grounds adjacent thereto, or
28 is in any part of a building in which the applicant,
29 recipient, or other such person resides or is located;

30 (6) Knows the individual assaulted to be a peace
31 officer, or a community policing volunteer, or a fireman
32 while the officer or fireman is engaged in the execution of
33 any of his official duties, or to prevent the officer,
34 community policing volunteer, or fireman from performing

1 his official duties, or in retaliation for the officer,
2 community policing volunteer, or fireman performing his
3 official duties, and the assault is committed other than by
4 the discharge of a firearm in the direction of the officer
5 or fireman or in the direction of a vehicle occupied by the
6 officer or fireman;

7 (7) Knows the individual assaulted to be an emergency
8 medical technician - ambulance, emergency medical
9 technician - intermediate, emergency medical technician -
10 paramedic, ambulance driver or other medical assistance or
11 first aid personnel engaged in the execution of any of his
12 official duties, or to prevent the emergency medical
13 technician - ambulance, emergency medical technician -
14 intermediate, emergency medical technician - paramedic,
15 ambulance driver, or other medical assistance or first aid
16 personnel from performing his official duties, or in
17 retaliation for the emergency medical technician -
18 ambulance, emergency medical technician - intermediate,
19 emergency medical technician - paramedic, ambulance
20 driver, or other medical assistance or first aid personnel
21 performing his official duties;

22 (8) Knows the individual assaulted to be the driver,
23 operator, employee or passenger of any transportation
24 facility or system engaged in the business of
25 transportation of the public for hire and the individual
26 assaulted is then performing in such capacity or then using
27 such public transportation as a passenger or using any area
28 of any description designated by the transportation
29 facility or system as a vehicle boarding, departure, or
30 transfer location;

31 (9) Or the individual assaulted is on or about a public
32 way, public property, or public place of accommodation or
33 amusement;

34 (9.5) Is, or the individual assaulted is, in or about a

1 publicly or privately owned sports or entertainment arena,
2 stadium, community or convention hall, special event
3 center, amusement facility, or a special event center in a
4 public park during any 24-hour period when a professional
5 sporting event, National Collegiate Athletic Association
6 (NCAA)-sanctioned sporting event, United States Olympic
7 Committee-sanctioned sporting event, or International
8 Olympic Committee-sanctioned sporting event is taking
9 place in this venue;

10 (10) Knows the individual assaulted to be an employee
11 of the State of Illinois, a municipal corporation therein
12 or a political subdivision thereof, engaged in the
13 performance of his authorized duties as such employee;

14 (11) Knowingly and without legal justification,
15 commits an assault on a physically handicapped person;

16 (12) Knowingly and without legal justification,
17 commits an assault on a person 60 years of age or older;

18 (13) Discharges a firearm;

19 (14) Knows the individual assaulted to be a
20 correctional officer, while the officer is engaged in the
21 execution of any of his or her official duties, or to
22 prevent the officer from performing his or her official
23 duties, or in retaliation for the officer performing his or
24 her official duties;

25 (15) Knows the individual assaulted to be a
26 correctional employee or an employee of the Department of
27 Human Services supervising or controlling sexually
28 dangerous persons or sexually violent persons, while the
29 employee is engaged in the execution of any of his or her
30 official duties, or to prevent the employee from performing
31 his or her official duties, or in retaliation for the
32 employee performing his or her official duties, and the
33 assault is committed other than by the discharge of a
34 firearm in the direction of the employee or in the

1 direction of a vehicle occupied by the employee;

2 (16) Knows the individual assaulted to be an employee
3 of a police or sheriff's department engaged in the
4 performance of his or her official duties as such employee;

5 ~~or~~

6 (17) Knows the individual assaulted to be a sports
7 official or coach at any level of competition and the act
8 causing the assault to the sports official or coach
9 occurred within an athletic facility or an indoor or
10 outdoor playing field or within the immediate vicinity of
11 the athletic facility or an indoor or outdoor playing field
12 at which the sports official or coach was an active
13 participant in the athletic contest held at the athletic
14 facility. For the purposes of this paragraph (17), "sports
15 official" means a person at an athletic contest who
16 enforces the rules of the contest, such as an umpire or
17 referee; and "coach" means a person recognized as a coach
18 by the sanctioning authority that conducted the athletic
19 contest; or.

20 (18) Knows the individual assaulted to be an emergency
21 management worker, while the emergency management worker
22 is engaged in the execution of any of his or her official
23 duties, or to prevent the emergency management worker from
24 performing his or her official duties, or in retaliation
25 for the emergency management worker performing his or her
26 official duties, and the assault is committed other than by
27 the discharge of a firearm in the direction of the
28 emergency management worker or in the direction of a
29 vehicle occupied by the emergency management worker.

30 (a-5) A person commits an aggravated assault when he or she
31 knowingly and without lawful justification shines or flashes a
32 laser gunsight or other laser device that is attached or
33 affixed to a firearm, or used in concert with a firearm, so
34 that the laser beam strikes near or in the immediate vicinity

1 of any person.

2 (b) Sentence.

3 Aggravated assault as defined in paragraphs (1) through (5)
4 and (8) through (12) and (17) of subsection (a) of this Section
5 is a Class A misdemeanor. Aggravated assault as defined in
6 paragraphs (13), (14), and (15) of subsection (a) of this
7 Section and as defined in subsection (a-5) of this Section is a
8 Class 4 felony. Aggravated assault as defined in paragraphs
9 (6), (7), (16), and (18) of subsection (a) of this Section is a
10 Class A misdemeanor if a firearm is not used in the commission
11 of the assault. Aggravated assault as defined in paragraphs
12 (6), (7), (16), and (18) of subsection (a) of this Section is a
13 Class 4 felony if a firearm is used in the commission of the
14 assault.

15 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,
16 eff. 1-1-06; revised 12-15-05.)".